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October 29, 2007

VIA FACSIMILE: (212) 805-7901

The Honorable Harold Baer, Jr.
United States District Court for the Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

**RE: Fedoriw v. Carl Zeiss Vision, Inc., et al.
07-CV-7446**

Dear Judge Baer:

This office represents the plaintiff, Martha Fedoriw in the instant matter next listed for a pre-trial conference in front of Your Honor on Thursday, November 1, 2007 at 3:30 pm. We respectfully request that the Court allow an adjournment of the proceedings on that date for the below reasons.

First, defendant Carl Zeiss Vision, Inc. ("Zeiss") has failed to respond to plaintiff's Complaint in a timely matter. Accordingly, we have sought from the Clerk an Entry of Default, so that we may seek a Default Judgment against defendant Zeiss. Defendant Zeiss not responded to any of our communications in this matter, and will likely not be present at the conference on Thursday. Second, the only other defendant in the case, New York Convention Center Operating Corporation ("NYCCOC"), has submitted a Motion for Summary Judgment, alleging that this matter was filed after the applicable statute of limitations. Plaintiff's response is due on the same date, November 1, 2007. If the Court grants defendant NYCCOC's Motion, then the only remaining defendant will be the one who will not even be attending the conference. Thus, we would request the Court adjourn the pre-trial conference until after a decision is made regarding defendant NYCCOC's Motion for Summary Judgment. At that point, there may be no need for a pre-trial conference, as the possible only remaining defendant will not have even responded by the time of the scheduled pre-trial conference. Finally, Counsel for defendant NYCCOC has consented to the adjournment, while there has been no

response from defendant Zeiss.

Thank you in advance for consideration of this request. If there any questions, please feel free to contact me.

Very truly yours,



Peter A. Greiner

PG/kaw

cc: Heidi Weiss, Esq. (Via e-mail)
Carl Zeiss Vision, Inc. (Via U.S. Mail)

*Denied, come &
tell me about this M/S/S
maybe send me papers
tomorrow 10/30/07*

SO ORDERED:

Harold Baer, Jr., U.S.D.J.

Date: *10/29/07*

Endorsement:

Denied, you come and tell me about the motion for summary judgment maybe send me papers tomorrow 10/30/07.